

To Vacate a Public Parcel

- WHEREAS, IC 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and
- WHEREAS, the petitioner, BLOOMINGTON DEVELOPMENT CORPORATION, has filed a petition to vacate a parcel of City property on Buttonwood Lane; and
- WHEREAS, IC-36-7-3-512 requires the Plan Commission to make a recommendation on the proposed vacation and to forward it to the Common Council; and
- WHEREAS, the Plan Commission has considered this petition and made a favorable recommendation on its adoption;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-3-12, a portion of City-owned property on Buttonwood Lane shall be vacated. The property is more particularly described as follows:

44 feet of even width off the entire south end of Buttonwood Lane, in the plat of Spicewood II-Section Two, recorded April 5, 1977, in Plat Book 6, page 116, as Instrument #84817, in the Office of the Recorder of Monroe County, Indiana.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and published according to law.

PASSED and ADOPTED upon this 16th day of July, 1983.

Katherine Dilcher
KATHERINE DILCHER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 1st day of July, 1983.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 1st day of July, 1983.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance will allow the development of a multi-unit condominium subdivision on the property south of the proposed vacation of right-of-way.

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****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 83- , is a true and complete copy of Plan Commission Case Number MP-28-83, which was given a recommendation of approval by a vote of 11 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 6, 1983.

Timothy A. Mueller
Planning Director

Date: June 9, 1983

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 9 day of June, 1983.

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance # _____ Fiscal Impact Statement # _____ Resolution# _____
Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other <u>XX</u> Right-of-Way Vacation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____
Unforeseen Need _____

Emergency _____
Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation(+/-)	_____	_____
Projected Balance	\$ _____	\$ _____

Signature of Controller _____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. This property vacation will not have a major fiscal impact. Neither City costs nor City revenues will be increased because of it.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)


Agency submitting legislation City Plan Commission

By Tim Mueller Date June 9, 1983


STATE OF INDIANA)
)
) SS:
COUNTY OF MONROE)

AFFIDAVIT

FRANK A. BARNHART being duly sworn upon his oath states that as attorney for Bloomington Development Corporation, he has caused Notice of the proposed hearing before Common Council of the City of Bloomington, State of Indiana, to be mailed to all adjacent property owners, utility companies and the City as per the attached receipts for Certified Mail. A copy of said Notice is attached to this Affidavit.


FRANK A. BARNHART

Subscribed and sworn to before me, a Notary Public in and for said County and State this 16th day of June, 1983.


Joyce Ann Oliver - Notary Public residing in
Monroe County

My Commission Expires:

November 7, 1986

BAKER, BARNHART & ANDREWS

ATTORNEYS AT LAW

ALFRED EVENS (1935-1949)
LEROY BAKER
FRANK A. BARNHART
WILLIAM H. ANDREWS

WORKINGMENS FED. SAV. & LOAN BLDG.
P. O. BOX 1234
BLOOMINGTON, INDIANA 47402-1234
TELEPHONE: 332-9478 AREA CODE 812

ROBERT L. BAKER
ROBERT L. RALSTON
BARBARA A. NARDI
VICKIE R. RENFROW

June 13, 1983

TO ALL ADJACENT PROPERTY OWNERS
UTILITY COMPANIES AND CABLE TELEVISION
CITY OF BLOOMINGTON - POLICE, FIRE, UTILITY ENGINEER
AND PUBLIC WORKS

The vacation of the South Forty-four (44) feet of Buttonwood Lane will be presented to the Common Council for hearing and vote as follows:

June 15, 1983, 7:30 p.m., First Reading;
June 22, 1983, 7:30 p.m., Committee;
July 6, 1983, 7:30 p.m., Second Reading and Vote.

These meetings are held in the Council Chambers, City Hall, East Third Street, Bloomington, Indiana.

The Council Rules provide for no discussion at First Reading. The Committee Meeting is the Council meeting as a Committee to discuss the proposal and receive comments from all interested parties. The Second Reading may or may not have further discussion prior to the Vote.

This does not represent a change of any type from the position stated and approved by the Planning Commission on June 6, 1983. This procedure is required as the vacation of the South Forty-four (44) feet of Buttonwood Lane involves the vacation of a dedicated, improved public right-of-way.

If you have any questions you may call me prior to June 22, 1983, or you may call the Council Office.

Bloomington Development Corporation does not plan to make any further presentations, however, a representative of the Corporation will attend the June 22nd and July 6th meetings to answer questions.

Very truly yours,

BAKER, BARNHART & ANDREWS


Frank A. Barnhart

FAB/jo

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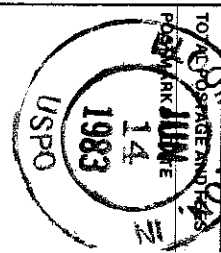
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
Mr. & Mrs. Jesse
2748 Eldersb
Bloomington, IN 47401
POSTAGE \$20

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$20
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
SPECIAL DELIVERY	
RESTRICTED DELIVERY	
SHOW TO WHOM AND DATE DELIVERED	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	

PS Form 3800, Apr. 1976



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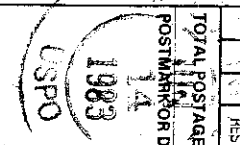
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE
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(See Reverse)

SENT TO
Mr. & Mrs. Earl
2724 Eldersb
Bloomington, IN 47401
POSTAGE \$25

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$25
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
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RESTRICTED DELIVERY	
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PS Form 3800, Apr. 1976



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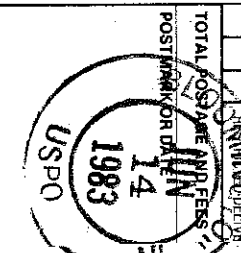
RECEIPT FOR CERTIFIED MAIL

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(See Reverse)

SENT TO
Mrs. Mrs. Earl
2724 Eldersb
Bloomington, IN 47401
POSTAGE \$25

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$25
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
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PS Form 3800, Apr. 1976



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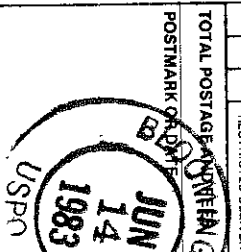
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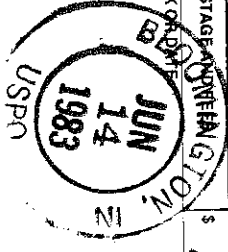
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RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
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(See Reverse)

SENT TO
Mr. & Mrs. Gary D. Freeman
824 Plymouth Road
Bloomington, IN 47401
POSTAGE \$20

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$20
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
SPECIAL DELIVERY	
RESTRICTED DELIVERY	
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BLOOMINGTON DEVELOPMENT CORPORATION - PETITION FOR PLAT AND
RIGHT-OF-WAY VACATIONS - CERTIFIED MAIL RECEIPTS FROM MAILING OF
NOTICES OF PUBLIC HEARING OF COMMON COUNCIL:

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$20
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
SPECIAL DELIVERY	
RESTRICTED DELIVERY	
SHOW TO WHOM AND DATE DELIVERED	
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(See Reverse)

CONSULT POSTMASTER FOR FEES	
CERTIFIED FEE	\$20
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	
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RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO
MR. & MRS. ALAN R. RUSHAWAY

SENT TO		Mr. & Mrs. Alan R. Rushany	
STREET AND NO.		2705 Redwood Court	
P.O., STATE AND ZIP CODE		Bloomington, IN 47401	
POSTAGE		\$ 1.20	
CERTIFIED FEE		\$ 1.75	
SPECIAL DELIVERY		c	
RESTRICTED DELIVERY		c	
SHOW TO WHOM AND DATE DELIVERED		c	
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		c	
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		c	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		c	
CONSULT POSTMASTER FOR FEES			
OPTIONAL SERVICES			
RETURN RECEIPT SERVICE			
TOTAL POSTAGE AND FEES		\$ 1.95	
POSTMARK OR DATE/STAMP			

PS Form 3800, Apr. 1976

CONSULT POSTMASTER FOR FEES		SENT TO MR. & MRS. THOMAS J. WILLIAMSON SHEET AND NO. 3543 S. CEDAR LANE P.O. STATE AND ZIP CODE Bloomington, IN 47401	
POSTAGE		\$ 1.20	
CERTIFIED FEE		1.75¢	
SPECIAL DELIVERY		¢	
RESTRICTED DELIVERY		¢	
SHOW TO WHOM AND DATE DELIVERED		¢	
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢	
SHOW TO WHOM, AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢	

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